

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

vs.

GARY P. DECICCO,

Defendants

Criminal No. 17-10092-NMG

**JOINT MEMORANDUM FOR INITIAL STATUS REPORT**

The parties submit this joint memorandum addressing the issues set out in Local Rule 116.5(a).

1. Status of Automatic Discovery and Any Pending Discovery Request

The government states that on May 26, 2017, the government produced automatic discovery as required under the Local Rules including exculpatory and impeachment information as required under Local Rule 116.1(c). The government has not produced criminal histories that could not be used as impeachment information at trial but it has disclosed the existence and nature of such information. Because the defendant has requested those records, the government will move promptly for a protective order.

Defendant Gary P. DeCicco (“Mr. DeCicco”) states that the automatic discovery package was missing certain materials, such as exculpatory information and impeachment materials, and on May 31, 2017 he asked the government to supplement its production.

2. The Timing of Any Additional Discovery to be Produced

Mr. DeCicco is currently detained. Thus he asks that discovery be expedited as he expects to seek a speedy trial, possibly in August or early September, 2017.

The government objects to the request for “expedited discovery” and submits that it will make such further and pretrial disclosures as required by law.

3. The Timing of Any Additional Discovery Requests

The government received an email on June 1, 2017 from defense counsel, which anticipated a discovery letter, but it has not received any discovery requests under the rules.

On May 31, 2017, Mr. DeCicco asked the government to produce exculpatory information and impeachment materials that the government concedes it possesses. He expects to serve further requests shortly.

4. Protective Orders

The government will raise with Mr. DeCicco the need for entry of a protective order shortly.

5. The Timing of Pretrial Motions

Mr. DeCicco expects to move for a speedy trial given his detention. He proposes that the parties discuss scheduling for discovery, substantive motions, and trial at the June 8, 2017 conference.

6. The Timing of Expert Witness Disclosures

Mr. DeCicco requests expert discovery pursuant to Fed. R. Crim. P. 16(a)(1)(G) and requests that the Court order that the government disclose the name and general topic of any expert witnesses at the close of automatic discovery, and produce its expert reports no later than

60 days prior to trial in this matter. Mr. Decicco will produce reciprocal expert discovery no later than 30 days before trial or 20 days after receipt of *Jencks* material, whichever is later.

The government requests that the defendant be required to produce reciprocal expert disclosures no later than 30 days before trial.

7. Excludable Delay

The government requests that the Court exclude the time from the date on which the Court decides the pending motions until the date of the next status conference because the parties have needed the time, and continue to need the time, to prepare for trial. It maintains the ends of justice served by this exclusion outweigh the interests of the public and Mr. DeCicco's in a speedy trial.

The government will appear by phone at the initial status conference on June 8, 2017.

Mr. DeCicco asks that the parties discuss a schedule for a speedy trial at the June 8, 2017 conference. Mr. DeCicco requests that the June 8 status conference be held in person at the Worcester Courthouse.

8. Final/Interim Status Conference

The government asks the Court to schedule an interim status conference in approximately 60 days. Mr. DeCicco suggests the Court discuss scheduling at the June 8, 2017 conference, in light of the expected request for a speedy trial.

Respectfully submitted,

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